

Reference:	17/00664/FULM
Ward:	Blenheim Park
Proposal:	Demolition of vacant car showroom and workshops, erect four storey building with retail (Class A1) at ground floor level, 31 retirement apartments above with balconies, install terrace at third floor to front elevation, layout parking and install vehicular access on to London Road (Amended Proposal)
Address:	Toomey Nissan, 831-837 London Road, Westcliff-on-Sea, SS0 9TE
Applicant:	Mr J. Brook, Laindon Holdings Limited
Agent:	Mr C. Green, Town Planning Services
Consultation Expiry:	02.06.2017
Expiry Date:	09.11.2017
Case Officer:	Janine Rowley
Plan Nos:	6766_P12; 6766_P11A; 6766_P300; 6766_P301.0B; 6766_P301.1C; 6766_P301.2C; 6766_P301.3C; 6766_P301.4C; 6766_P301.5C; 6766_P301.6; 6766_P306.1C; 6766_P307.2D; 6766_P307.3C; 6766/P307.1C
Recommendation:	GRANT PLANNING PERMISSION



This application has been deferred from the 4th October Development Control Committee.

1 The Proposal

- 1.1 Planning permission is sought to demolish the existing vacant car showroom and to erect a four storey building containing a retail use (Class A1 use) at ground floor level and 31no. retirement flats above (age restricted to 65 years or over), together with parking, access and a raised landscaped deck. The building is 53m in width, 21.6m to 33m deep and has an overall height of 13.2m.
- 1.2 The proposed ground floor retail use will measure 410sqm and have 14 car parking spaces (one disabled) located immediately to the east which will be accessed from London Road.
- 1.3 A total of 31 self-contained flats (11 x 1 bed and 20 x 2 bed flats) are proposed to the first, second and third floors of the building. Proposed flat 1 sits in a projecting wing at first floor. Access to the flats is via a communal entrance on the south-eastern corner of the building with stairs and a lift. The internal floorspaces of the flats range from 50.4sqm to 87.9sqm.
- 1.4 29 car parking spaces (including two bays for disabled persons) for the proposed flats are located to the rear of the building along the northern boundary of the site which is accessed through the retail car park. An access gate will separate the two parking areas. Scooter storage and a bin store for the proposed flats are located at ground floor level.
- 1.5 On the first floor of the building are a communal lounge and kitchen area, reception, office space and guest suite. An entrance deck to the front of the building is proposed with a width of 7m, depth of 3.4m deep and 4.6m in height. To the rear is an external amenity deck which spans almost the entire width of the site with an area of approximately 308sqm. The communal roof terrace to the front elevation on the third floor is 24.6sqm in area.
- 1.6 The proposed development wraps around the rear of 841 London Road to the west of the site. The proposal is located up to the eastern site boundary.
- 1.7 A previous application for a similar development was refused planning permission (reference 14/01052/FULM) by Development Control Committee on 11th December 2014. The application was refused for the following reasons:
 1. *“The proposed development by reason of its design, height, scale, bulk, width, relationship with neighbouring development, appearance and use of materials would appear overly dominant, be out of keeping with and detrimental to the character and appearance of the streetscene. This is contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C7, C11 and H5 and the Design and Townscape Guide, 2009 (SPD1)”.*
 2. *“The proposed development by reason of the height and scale of the development would be overbearing upon and result in an undue sense of enclosure, to the detriment of the amenities of neighbouring occupiers adjoining the site in Wellington Avenue. This is contrary to the National*

Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policies C11, H5 and H7 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1)”.

3. *“The proposed development by reason of unsatisfactory provision of parking will cause additional on street parking in an area of parking stress to the detriment of highway safety and the local highway network contrary to the NPPF, Policy CP3 of DPD1 (Core Strategy) and Policies T8 and T11 of the Borough Local Plan and the Design and Townscape Guide (SPD1)”.*

1.8 The appeal following the above application was subsequently dismissed (reference: 3030441) and will be discussed in further within the Appraisal section of this report. The main conclusions of the appeal decision by the Inspector were that:

- Height, width and detailed design the building would be unduly dominant and would harm the character of the area and the streetscene
- The living conditions of nearby residential occupiers would not be adversely affected by the proposal.
- An original resolved third reason for refusal relating to parking was not pursued due to the Development Control Committee subsequently withdrawing this reason. It should also be noted the appellant was awarded costs against this reason for refusal.

1.9 The Planning Statement accompanying this application states the main changes following the refusal 14/01052/FULM and following subsequent pre application discussions with officers include:

- Revised mix of apartments including 16 x 1 bed, 15 x 2 (previously 14/01052/FULM proposed 11 x 1 bed and 20 x 2 bed)
- Retail floorspace reduced from 479sqm to 410sqm
- Removal of central fourth floor roof terrace and roof top communal space
- The appeal scheme is 13.6m to 16.5m tall and it is now a maximum of 13.4m
- Provision of a communal terrace in the centre of the third floor, breaking up the roofline
- Frontage stepped and set back from the frontage compared to appeal scheme
- The entrance canopy reduced in depth, width and scale
- Simplified elevation changes to the western and eastern flank elevations
- Third floor set back from the side and front lower elevations to reduce its mass
- Stairwell with vertical glazing is incorporated on the eastern end

1.10 The supporting information accompanying this application makes a case for the proposed resulting in significant benefits including:

- The delivery of housing for the elderly to meet and identified need
- Provision of low cost retirement apartments on a ‘not for profit’ basis
- Provision of 25-30 new full time jobs within the convenience store
- Delivery of an additional local convenience facility for the community
- Enhanced facilities to support the vitality and viability of London Road
- Making the best use of previously developed land
- Improvement of the environment and regeneration of land that has been

vacant since 2009

2 Site and Surroundings

- 2.1 The site is occupied by the vacant former Toomey car showroom. It is located on the northern side of London Road, approximately 80m west of its junction with Southbourne Grove and 130m east of its junction with Nelson Road. The site was formerly designated within the Fringe Commercial Area however; this allocation has now been removed from the Local Plan. To the east of the site (up to 815 London Road) is a Primary Shopping Frontage and further away from the site (towards Nelson Road) is a Secondary Shopping Frontage.
- 2.2 Immediately to the north of the site is Wellington Avenue which is a residential area characterised predominantly by two storey terrace dwellinghouses.
- 2.3 The site is located immediately opposite Chalkwell Park which is on the southern side of London Road.
- 2.4 The immediate character of London Road is predominantly for commercial uses at ground floor level with flats above with average buildings heights at two or three storeys. Several neighbouring sites in this stretch of London Road have been developed with flat schemes, mainly up to four storeys in height.

3 Planning Considerations

- 3.1 The main considerations in the determination of this application are the principle of the development, design and impact on the character of the area, traffic and transportation, impact on residential amenity, standard of accommodation for future occupiers, sustainable construction, developer contributions and whether the proposal has overcome the previous reasons for refusal and dismissed on appeal of application 14/01052/FULM.

4 Appraisal

Principle of the Development

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP1, KP2, CP1, CP2, CP3, CP4, CP6 and CP8; Development Management Document (2015) policies DM1, DM3, DM7, DM8, DM9, DM11, DM13, DM15 and the Design and Townscape Guide (2009).

Retail Use

- 4.1 The site was previously occupied by a car showroom (sui generis use) which had stood vacant since 2008. This building has a floorspace of approximately 890sq.m. The proposed development will provide a retail space of 410sqm.
- 4.2 Paragraph 26 of the National Planning Policy Framework states;

“When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500sq.m)...”

- 4.3 Previously under application 14/01052/FULM a retail statement had been submitted for consideration and it was concluded that the store is intended to meet the daily needs of residents in the immediate catchment area. It satisfied the sequential approach and as it occupies a highly accessible location, there was no objection in principle on retail grounds. This view was endorsed by the appeal inspector.
- 4.4 Given the commercial nature of London Road there is no objection in principle to the loss of the car sales use (a sui generis use), which has been vacant since 2009 and the introduction of a more compatible retail use which will add vitality to this section of London Road, complement the nearby Primary and Secondary Shopping parades and meet locally generated needs in accordance with Policy CP2 of the Core Strategy and Policy DM13 of the Development Management Document. It is also considered that the proposed retail use would be more compatible with the character and amenities of the surrounding area in comparison with the existing lawful use of the site.
- 4.5 Given the conclusions of the submitted retail study and that the proposed retail space will be relatively small it is concluded that there will be no detrimental impact on the viability or vitality of the town centre or other district centres (Westcliff and Leigh).

Dwelling Mix

- 4.6 Policy DM7 of the Development Management Document states that all residential development is expected to provide a dwelling mix that incorporates a range of dwelling types and bedroom sizes, including family housing on appropriate sites, to reflect the Borough's housing need and housing demand. Paragraph 50 of the National Planning Policy Framework states that '*plan for a mix of housing should be based on current and future demographic trends, market trends and the needs of different groups in the community*'. The proposed development is for 31 retirement flats (16 x 1 bed and 15 x 2 bed) and the dwelling mix as proposed is found to be appropriate for such housing.

Retirement Flats

- 4.7 As set out in policy DM9 of the Development Management Document, the Council seeks to promote independent living where residents have access to transport services, public services, civic space and amenities. The promotion of independent living is therefore the policy focus of the Council, and the principle of retirement homes in this location has not been objected to previously under application 14/01052/FULM or the subsequent appeal (reference: 3030441). It is therefore found to be acceptable.

Design and Impact on the Streetscene
National Planning Policy Framework (2012); Core Strategy (2007) policies KP2, CP4; Development Management Document (2015) policies DM1, DM3 and the Design and Townscape Guide (2009)

4.8 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policy KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.

4.9 The Design and Townscape Guide paragraph 2009 states:

“Infill sites are development sites on the street frontage between existing buildings. These areas are usually spaces left over after earlier development or the redevelopment of small industrial units or garages. The size of the site together with an analysis of local character and grain will determine whether these sites are suitable for development. In some cases the site may be too small or narrow to accommodate a completely new dwelling (including usable amenity space and parking) and trying to squeeze a house onto the site would significantly compromise its design quality and be detrimental to neighbouring properties and local character. In these circumstances, unless an exceptional design solution can be found, infill development will be considered unacceptable. Other options, such as an extension to an adjacent building or a garage may be more achievable. However, in certain situations, where the density, grain and openness of an area are integral to its special character, infill development of any kind will not be appropriate in principle”.

4.10 Where such development is acceptable in principle, the Design and Townscape Guide states that it is important to draw strong references from surrounding buildings in terms of scale, frontage, materials and rhythm. It is not considered the proposed infill development would appear out of keeping, nor would it conflict with the urban grain of the area taking into account the surrounding residential development, subject to the other material planning considerations discussed in detail below.

4.11 The main concerns raised at appeal related to design, impact on the character of the area, bulk and forward projection in relation to its neighbours and the wider streetscene. The inspector made the following comments on this issue:

4.12 Paragraph 14 (appeal reference: 3030441) *‘Even if the projecting front bays were taken into account the setback would be little more than 1m.... this would be in contrast to nos 843 and 845 where the fourth storey is shown on the plans ...to stand well back from the main front wall. Such a setback would reduce the visual prominence of the fourth storey and hence the overall scale of the building.’*

4.13 Comments were also made in paragraph 16 in relation to the unbroken nature of the 4th storey which at nearly 53m was considered to also make a significant contribution to bulk.

4.14 In relation to the building line at the lower floors at paragraph 17 the inspector comments that:

'Even allowing for the curve of the road, the main bulk of the proposed building would be further forward than either the existing or proposed buildings on adjoining sites to the west. Furthermore, there would be a large and rather heavy looking entrance lobby and larger open area supported by piers with an entrance deck at first floor level. This would be well forward of the main building line of existing buildings immediately to the east. To my mind the positioning of the built development would further emphasis its prominence.'

4.15 The inspector also comments on the long views of the proposal from Chalkwell Park which would expose the skyline and bulk of the development in relation to the neighbours and the wider streetscene. She expressed concerns relating to the bulk including the projecting entrance feature when viewed from the east.

4.16 The inspector concluded that the appeal proposal would be *'Unduly dominant and would fail to respect its surroundings.'* She also commented that *'This is not a landmark site but rather one part of a streetscene that is currently undergoing change.'* She concludes by saying that *'in this case the concern relates to the height combined with the width and forward projection of the building. This would result in a scale of development which would be unacceptable.'*

4.17 The applicant has made a number of changes to the design seeking to address the concerns detailed above.

Height

4.18 The building remains at 4 storeys with an overall height of 13.4m, which has been reduced from 13.6m-16.5m under the previously refused application 14/01052/FULM. The 4th floor communal room and roof terrace has been omitted from the plans, which is welcomed. This has been replaced by a small communal terrace and day room at 3rd floor level in the centre of the block. The removal of the 4th floor, which would have been very apparent in longer views from Chalkwell Park, is welcomed as it brings the overall profile of the building more in line with its neighbours to the west currently under construction (845-849 London Road 16/01210/RESM). The relocation of the terrace to 3rd floor breaks the overall massing of the 3rd floor such that from closer views it will read as two separate additions. It also reduces the perceived width, which was a concern to the inspector. Overall it is considered that these amendments have addressed the concerns in relation to height, bulk, mass and skyline impacts.

4.19 The 3rd floor set back from the main building line now ranges from 1.5m to 3m, compared to the previously refused application (14/01052/FULM), which was set in line with the building line. This is a welcomed change. The 3rd floor set back remains smaller than other elements of the block especially at the western end where the lower floors have been set back but the 3rd floor set back is greater than that proposed in the appeal scheme.

Building line and forward projection

- 4.20 To reduce the prominence of the proposal in the streetscene and improve the relationship to the existing frontage lines, the siting of the building, at the western end, has been stepped back at all levels. The front building line now proposed has a staggered transition between the two building lines of the neighbouring properties compared to that of the previously refused application. This revised building line enables a more generous open frontage at ground level, reflective of local character and a more pronounced stagger to follow the curve of the road. The projecting entrance deck at first floor of the eastern end of the proposal still remains a feature of this amended proposal, but this has been scaled back in width from 11.9m to 7m and reduced in depth from 4m-4.7m to 3.4m. It therefore achieves a more lightweight appearance.
- 4.21 The exposed eastern flank of the proposal remains of a similar bulk as the dismissed scheme but the amended proposal has sought to better resolve the detailed design of this element including an improved relationship and alignment with the lower box features and a simpler profile. This results in a refined acceptable design.
- 4.22 The amenity deck, which is visible from both the east and west has been reduced in width and depth. It will still be prominent in the streetscene but is not unacceptable.

Design detail

- 4.23 Whilst the overall detailed design did not form a reason for dismissal of the appeal, the overall detailing and articulation of the current scheme appears more resolved than the originally refused scheme. The main feature of the design is the projecting box elements, providing a rhythm and coherence to the frontage, referencing the grain of the wider streetscene. Limited information has been provided on the detailing of the elevational projections but the overall detailing including profile, reveals, fenestration and materials can be controlled by condition.
- 4.24 On balance, the proposed design and scale is acceptable and policy compliant. The proposed development has overcome the reason for the recently dismissed.

Traffic and Transportation

National Planning Policy Framework (2012), Policies KP2, CP3 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009)

- 4.25 It is proposed to replace the three existing vehicular crossovers along the London Road frontage with a single vehicular access which will provide access to both the retail and residential car parks. A ghost island right turn lane would be provided to allow the free flow of westbound traffic on London Road. A pedestrian crossing point is proposed on London Road to improve pedestrian accessibility.
- 4.26 It is not considered that the proposed vehicular access would be detrimental to highway or pedestrian safety or local highway conditions and this can be secured by a Section 278 agreement.

- 4.27 It is considered that the level of traffic generated by the proposed development would not have a significant impact on the surrounding highway network particularly when account is taken of the previous use for car sales.
- 4.28 A total of 43 car parking spaces are proposed. 14 to serve the retail unit incorporating one disabled bay and 29 to serve the residential units, which incorporate 2 disabled bays.
- 4.29 Policy DM15 of the Development Management Document parking standards require 1 space per 14sqm for a Class A1 shop selling food and 1 space per dwelling. The internal floorspace of the retail unit is 410sqm and would require up to 29 parking spaces, in addition 31 parking spaces would be required for the flats. The retail car parking standards are maximums and Policy DM15 of the Development Management Document suggests that greater flexibility will be applied where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport. Parking provision formed a reason for refusal at application stage, but was not pursued through the appeal following Development Control Committee's resolution to withdraw that reason for refusal based on professional advice. The nature of the use is such that it would also be expected to have a lower level parking demand overall. In light of the above, no objection is raised on highway or parking grounds for either element of the uses proposed.
- 4.30 In accordance with Policy DM15 of the Development Management Document, the cycle parking standards required for the proposed development include 1 space per 400sqm for staff and customers with 1 space per 8 units for the retirement flats. The cycle spaces can be controlled by condition as there is sufficient space on site to accommodate the cycle spaces.
- 4.31 The proposed residential bin store is within guidance and considered to be of acceptable size and location. Whilst no detailed information has been provided regarding the proposed retail refuse arrangements, the refuse facility will be located internally and will be dependent on the operator requirements. This can be controlled by condition. A service lay-by is also proposed to the front of the retail unit which will provide a suitable space for deliveries and refuse collection. Whilst this will reduce the width of the existing footpath, a new area of footpath outside the store will be created and secured by a Section 278 agreement. No objections have been raised by the Highways Officer as per the previous application.
- 4.32 Overall, it is not considered that the proposed development would have an adverse impact on the local highway network in terms of traffic movements and generation. It is found that the proposal is acceptable on parking and highway safety grounds. It is considered the proposed development satisfies the objectives of the relevant development plan policies and guidance.

Standard of Accommodation for Future Occupiers

National Planning Policy Framework (2012), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM8, National Technical Housing Standards and the Design and Townscape Guide (2009)

- 4.33 The internal sizes and layouts of the units are considered to be acceptable and will have a satisfactory floor area ranging from 50.4sqm to 87.9sqm. This complies with the National Technical Housing Standards. All habitable rooms would benefit from sufficient outlook and daylight conditions.
- 4.34 The communal roof terrace to the rear at first floor and third floor fronting London Road will provide approximately 381sqm of amenity space, which is approximately 12.2sqm per flat. This is found to be acceptable given the other amenities provided by the scheme for occupiers and the nature of the proposal.
- 4.35 The overall sizes of the amenity spaces proposed are considered to be acceptable for the number of units proposed. Amenity space provision was not considered a reason for refusal or dismissal on appeal.
- 4.36 In light of the above, the proposal is acceptable and compliant with the objectives of the development management plan and guidance on this matter.

Impact on Residential Amenity

National Planning Policy Framework (2015), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1 and DM3 and Design and Townscape Guide (2009).

- 4.37 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods. Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of overbearing, pollution and daylight and sunlight. A proposed development will need to consider its potential impact upon neighbouring properties and the surrounding area. policy DM1 of the Development Management requires that all development should (inter alia):

“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight”

- 4.38 The application site is located to the south of dwellinghouses in Wellington Avenue which have approximately 14m-16m deep rear gardens and are separated from this site with a 1m alleyway.
- 4.39 The proposal includes a 2.3m high boundary wall along these properties northern boundary and a 4.6m high wall (5.6m including balustrade) set 4.3m-4.6m away from the northern boundary, to facilitate the amenity space at first floor for the proposed development.

- 4.40 The car park will be sited behind a large wall running along the northern boundary of the site. This, together with the roof of the rear amenity terrace, will form an enclosed parking area and therefore, act as an acoustic barrier. It is not considered that the parking area would have a detrimental impact in terms of noise or disturbance to neighbouring occupiers. The opening hours of the proposed retail use can be dealt with by condition. This relationship replicates that in the appealed scheme and was not a factor in its dismissal.
- 4.41 There is no objection in principle to the introduction of retail (Class A1) uses in this location as it is not considered that such use would have an adverse impact on the amenities of neighbouring occupiers. Should any external extraction/ventilation equipment be required, this would require separate permission and an informative would remind the applicant of this requirement.
- 4.42 The overall height of the proposed building is 13.4m and the first, second and third floors are set 11.6m to 13.3m away from the northern boundary with a further 16m to the rear elevations of Wellington Avenue. A minimum separation distance of 29m will therefore be retained between the upper floor rear windows of the proposed development and the rear of neighbouring properties in Wellington Avenue.
- 4.43 The overall height has been reduced from the previously refused application and the depth remains unchanged. The appeal Inspector considered in paragraphs 24, 25 and 26 of her decision the effect of the previously refused development on residential amenity (application 14/1052/FULM).
- 4.44 In paragraph 24 the Inspector notes:

“The landscaped deck would be some 4.3-4.6 metres from the rear site boundary and enclosed by a wall about 5.6 m in height above ground level. To the north of this would be a roof enclosing the rear parking spaces and a further wall along the back boundary of around 2.3 m in height. Although the main part of the building would stand behind the landscaped deck, there would be a single storey flat at first floor level extending out towards the rear boundary. Whilst this would be higher than the existing commercial building it would be narrower and would be inset sufficiently to ensure that it would not appear intrusive. The higher of the two brick walls would be far enough away from residential properties to ensure that an unreasonable degree of enclosure would not ensue”.

- 4.45 In paragraph 25 the Inspector notes:

“The main part of the new building would be about 14 m from the northern site boundary and about 28-30 m from the rear of the houses in Wellington Avenue. In my judgement the distances would be sufficient to ensure that it would not appear unduly overbearing or result in a sense of enclosure to houses or gardens to the north. There would be a small building housing a stairway and communal space at fifth floor level. However this would be well set back from the rear elevation and I do not consider that it would be an intrusive feature”.

4.46 In paragraph 26 the Inspector notes:

“The new building would be to the south of the houses in Wellington Avenue. The Appellant has prepared a study which shows the shadows cast at the Spring equinox. This indicates that the development would only affect the southernmost ends of the rear gardens. However the study takes no account of existing conditions. At my site visit, which was on a sunny afternoon a month after the Autumn equinox, I observed that the sunlight to many of the gardens was already restricted. Clearly in the summer months the situation would be improved. Taking account of advice in the British Research Establishment’s document Planning for Daylight and Sunlight I consider that the enjoyment and amenity value of the gardens, and the sunlight they presently receive, would be unlikely to significantly change”.

4.47 Taking into account the overall height has been reduced the depth of the development remains unchanged and the conclusions of the appeal Inspector on the issue of amenity, it is not considered that the proposed development would have a materially harmful impact on adjacent residential occupiers in terms of being overbearing, intrusive, causing, loss of light, overlooking or loss of privacy. The proposal is therefore considered to be acceptable and policy compliant in this respect.

Sustainable Construction

Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice contained within the Design and Townscape Guide (2009)

4.48 Policy KP2 of the Core Strategy states that at least 10% of the total energy needs of a new development should be provided through on-site renewable sources of energy provision (and/or decentralised renewable or low carbon energy sources). Policy DM2 of the Development Management Document requires all new development to contribute to minimising energy demand and carbon dioxide emissions.

4.49 An Energy and Sustainability Report carried out by Green and Castle has been submitted for consideration. Various renewable energy technologies are discussed in detail together with carbon saving technologies. The applicant has confirmed there is sufficient space to the south facing slope to accommodate photovoltaic panels in order to comply with Policy KP2 of the Core Strategy. Whilst no calculations have been provided to demonstrate the 10% of the energy from the development will be renewable, this can be controlled by condition.

4.50 With respect to the requirement for Sustainable Urban Drainage Systems (SUDS), the site is entirely hardsurfaced and it is considered that the proposed development would not increase the level of water discharging from the site than at present. The site is also not within a high risk flood zone. Details of surfacing materials and a scheme of SUDS can be dealt with by condition. Anglian Water have recommended that a condition requiring details of a surface water management strategy are submitted to and approved in writing prior to the commencement of any drainage works taking place on site. This has been included in the conditions recommended.

Developer Contributions

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP3, CP6 and CP8, Community Infrastructure Levy Charging Schedule

- 4.51 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 3542sqm, which may equate to a CIL charge of approximately £72,589.00 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the "in-use building" test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.
- 4.52 Core Strategy Policy KP3 requires that:
- "In order to help the delivery of the Plan's provisions the Borough Council will:*
- 2. Enter into planning obligations with developers to ensure the provision of infrastructure and transportation measures required as a consequence of the development proposed."*
- 4.53 Policy CP8 of the Core Strategy relates to affordable housing and requires that for all residential proposals for 10-49 dwellings, an affordable housing provision of not less than 20% of the total number of units on site are provided in order to meet the housing requirements of the Borough and wider area.
- 4.54 On larger sites where on-site provision of affordable housing is not practical, a commuted sum is sought for off-site provision of affordable housing (this would incorporate the cost for the Council to be able purchase or build the equivalent units). In this instance the applicant states that any financial contribution towards off-site provision for affordable housing would not be viable and that the scheme is a 'not for profit' venture.
- 4.55 The applicant states that the scheme is therefore entirely profit neutral and supporting evidence has been provided to show that any funds generated are retained to ensure the continued maintenance of the premises.
- 4.56 When considering the previous refused application and dismissed appeal 14/01052/FULM, viability was considered by the District Valuer Service on behalf of the Council. It was accepted that the scheme would be unviable with any S106 contribution. The applicant has now re-appraised the scheme to reflect increased costs and values. Officers raised a number of areas of concern with the applicant's residual valuation of the proposed scheme including possibly over-inflated build costs, repair costs and sales values, and potentially under-valued commercial unit. Officers sought further evidence in respect of each of these areas of concern to substantiate the applicant's case that the scheme is not sufficiently viable to make any S106 contribution towards affordable housing.

4.57 Comparable local evidence has now been provided in respect of the sales values and further details have been provided to evidence the repair costs in the context of the existing use value, and the commercial value. However, officers do not accept the applicant's position in respect of a substantial increase in the build costs, which have been based on the Tender Price Index (TPI). Officers are of the view that BCIS (Building Costs Information Service) build data should be used instead of the TPI as it is specific to the development type.

4.58 Rona, on behalf of the applicant, state:

The base date for the updating is the original assessment date of 2012. If you refer to the BCIS All In Tender Price Index (attached) this gives a value of 230 for the 2nd quarter of 2012 and (in December 2016) an estimate of 289 for the 2nd quarter of 2017. This equates to 25.65% to compare with the 25% I have used.

4.59 On this basis, the significant uplift in build costs does appear reasonable. However, the TPI is not development type specific. Based on the more specific BCIS build costs for Sheltered Housing, the increase in build costs is far less significant. Median build costs for an average 3 storey sheltered housing building in Essex show an increase from 2014 (date of original viability assessment) to 2017 of 4.9%. This has implications in terms of the scheme being more or less viable; and such a reduction in build costs would result in the scheme showing a surplus based on the applicant's residual valuation of the proposed project. When considering whether the scheme can support a contribution towards affordable housing one must take into account the fact that the applicant has only factored in a profit of 5% of Gross Development Value. However, when applying a standard profit level, the scheme remains unviable. Therefore, notwithstanding the point of dispute in relation to the build costs, officers consider that there is sufficient evidence to demonstrate that an open market scheme would not generate sufficient profit to allow any contribution towards affordable housing to be made.

4.60 As set out in the Planning Inspector's decision dated 20th October 2015, it is recommended that a condition be imposed on any permission granted requiring the occupants to be at least 65 years old to ensure that the development hereby approved reflects that for which permission has been sought.

4.61 In light of the above, at this time it has been demonstrated that affordable housing contributions cannot be viably provided.

Other matters

Contamination

4.62 The Councils Environmental Health Officer has confirmed a substantial part of the site has been identified as being potentially contaminated from historical uses. A suitable condition requiring investigation and mitigation can be imposed to ensure full details are dealt with by condition.

Conclusion

- 4.63 Having taken all material planning considerations into account, including the findings of the appeal inspector in 2015 it is found that subject to compliance with the proposed conditions and S106 agreement, the development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposed development by reason of its design, scale, and layout would provide an acceptable addition within the streetscene maintaining the overall character and appearance of the surrounding locality, while providing adequate amenities for future occupiers, respecting the amenities of neighbouring properties and not resulting in any unacceptable parking or highways impacts. The application is therefore recommended for approval.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (NPPF), 2012.
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), KP3 (Implementation and Resources), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (The Environment & Urban Renaissance), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 5.3 Development Management Document (2015): Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM10 (Employment Sectors), Policy DM11 Employment Areas, Policy DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 A Guide to Section 106 and Developer Contributions, 2010.

6 Representation Summary

Highways

- 6.1 The level of parking is considered to be acceptable given the sustainable location of the site. The highway works include the construction of a loading bay which will serve the retail unit, ghost right turn lane and a pedestrian crossing point on the southern kerb line. This will not have a detrimental impact upon existing highway conditions. The applicant will be required to dedicate the land directly in front of the store to the Council, as this will ensure that the highway that is being used as the loading bay will be provided in front of the store. This dedication can form part of the Section 278 works that are required at the site. Given the above, there are no highways objections to this proposal.

Design and Regeneration

- 6.2 No objections, overall this amended proposal has made significant and positive changes to address the previous concerns raised by officers and the Inspector

Strategic Housing

- 6.3 The Department for People requires the provision of Affordable Housing on residential developments of this size.

Core Strategy Policy CP8 provides the guidance on the affordable housing threshold for residential developments. This is outlined below:

10 to 49 units = 20%, 50+ units = 30%

In terms of the dwelling mix, the SHMA Review 2013 undertook an assessment of affordable dwelling needs and consequently set out a recommended affordable dwelling mix for Southend on Sea, the percentages indicated below are the affordable housing provision by bedroom size for the borough.

The percentage of affordable housing element required within the borough: -

1 bed	2 bed	3 bed	4+ bed
16%	43%	37%	4%

In line with the Interim Affordable Housing Policy, the Strategic Housing Team therefore requires 37 units of affordable or 6 units and a financial contribution of 0.2 units.

7 Units AH	Exact	Rounded
AH Units:	6.2	7
AR (60%)	3.72	4
SO (40%)	2.48	3

6 Units AH + Financial Contribution	Exact	Adjusted
AH Units:	6.2	6
AR (60%)	3.72	4
SO (40%)	2.48	2

The required dwelling mix would be as follows:

7 Units Affordable Housing				
AH Breakdown	Applicable	Revised %	Exact Units	Rounded Units
1 bed	54.98	0.65	4.03	4
2 bed	29.52	0.35	2.17	3
3 bed		0	0	0
4 bed		0	0	0
5 bed		0	0	0
			Total	7

<i>6 Units Affordable + financial contribution</i>				
<i>AH Breakdown</i>	<i>Applicable</i>	<i>Revised %</i>	<i>Exact Units</i>	<i>Adjusted Units</i>
<i>1 bed</i>	<i>54.98</i>	<i>0.65</i>	<i>4.03</i>	<i>3</i>
<i>2 bed</i>	<i>29.52</i>	<i>0.35</i>	<i>2.17</i>	<i>3</i>
<i>3 bed</i>		<i>0</i>	<i>0</i>	<i>0</i>
<i>4 bed</i>		<i>0</i>	<i>0</i>	<i>0</i>
<i>5 bed</i>		<i>0</i>	<i>0</i>	<i>0</i>
			<i>Total</i>	<i>6</i>

However in light of the viability document, Strategic Housing Officers feel that there is sufficient evidence to demonstrate that an open market scheme would not generate sufficient profit to allow any contribution towards affordable housing to be made(notwithstanding the required evidence in regards to build costs).

Environmental Health

- 6.4 The scale of the development, together with its proximity to residencies, suggests that controls on hours for contractual work would be beneficial.
- 6.5 Contrary to the responses contained within Section 14 of the application form, a substantial part of the site has been identified as being potentially contaminated arising from historical uses.
- 6.6 It is noted that 2 No. plant rooms are to be located to the rear of the site, both in very close proximity to flats within the development itself and relatively close to existing properties.
- 6.7 Conditions in relation to demolition, construction, contaminated land, sound levels arising from plant equipment.

The Environment Agency

- 6.8 Consultation received but not within the Environment Agency's remit therefore, will not be providing a formal consultation response.

Anglian Water

- 6.9 Section 2 – Wastewater Treatment
The foul drainage from this development is in the catchment of Southend Water Recycling Centre that will have available capacity for these flows.
- 6.10 Section 3 – Foul Sewerage Network
The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
- 6.11 Section 4- Surface Water Disposal
The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

- 6.12 Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.
- 6.13 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA).
- 6.14 We request a condition requiring a drainage strategy covering the issue(s) to be agreed.
- 6.15 Section 5 – Trade Effluent
Not applicable.

Essex and Suffolk Water

- 6.16 The Water Supply (Water Fittings) Regulations 1999 apply to all new works on water service installation and the applicant is required

Airport Director

- 6.17 No objections. If a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority.

Public Consultation

- 6.18 22 Neighbours notified, a site notice was displayed on the 12th May 2017 and one letter of representation has been received stating:
- The application is almost identical to the previous applications rejected by the Development Control Committee and Planning Inspectorate who stated; *“Overly dominant and assertive development that would fail to successfully integrate with its surroundings and unacceptably detract from the existing and evolving streetscene of which it would form part”*
 - Impact on residents of Wellington Avenue in respect of noise and pollution
 - Sense of enclosure and impact on amenity
 - Overly dominant design
 - Impact on parking in the immediate area, overflow of parking to neighbouring roads
 - Lack of viability of a commercial outlet
 - The size is unacceptable in terms of its bulk, mass, width
 - Detailed design

Two proforma letters, relating to the issues set out below have been received

One additional proforma letter with 237 signatures has been received stating the following:

- The application is identical to the previously refused applications 14/01052/FULM and 12/01510/FULM
- 31 flats would generate excessive noise
- Proposal is excessive and will impact on light
- Overshadowing
- Loss of privacy
- Addition of a window to the boundary with Wellington Avenue
- Provision of parking makes no account for visitors
- Does not provide sufficient parking for 31 flats or commercial use
- Inclusion of a convenience store will result in closure of small local businesses
- Out of character with the surrounding properties and of significant scale both in terms of height, width and bulk
- Dominating and detracting from Chalkwell Park
- Overdevelopment

One proforma letter has been received with 23 signatures stating:

- The application is identical to the previously refused applications 14/01052/FULM and 12/01510/FULM
- Concerns over four storey development
- Impact on light
- Not inkeeping with the nature of other buildings
- Loss of privacy
- Overlooking
- Scale both in terms of height, width and bulk
- Overdomaint
- Noise and disturbance
- Fumes
- Loss of local businesses
- Overdevelopment

These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

6.19 Councillor Courtenay have requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

7.1 2014- Demolition of vacant car showroom and workshops, erect four storey building with retail (class A1) at ground floor level, and 31 No retirement apartments above, parking, access, and landscape deck (Amended Proposal) Refused planning permission for the reasons set out in paragraph 1.7 above (14/01052/FULM). Dismissed at appeal reference APP/D1590/W/15/30330441 as set out in paragraph 1.8 above.

- 7.2 2012- Demolition of vacant car showroom and workshops, erect four storey building with retail (class A1) at ground floor level, and 31 No retirement apartments above, parking, access, and landscape deck- Refused (12/01510/FULM)

8 Recommendation

Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

- 02 The development shall be carried out in accordance with the approved plans: 6766_P12; 6766_P11A; 6766_P300; 6766_P301.0B; 6766_P301.1C; 6766_P301.2C; 6766_P301.3C; 6766_P301.4C; 6766_P301.5C; 6766_P301.6; 6766_P306.1C; 6766_P307.2D; 6766_P307.3C; 6766/P307.1C.**

Reason: To ensure the development is carried out in accordance with the development plan.

- 03 Each of the units hereby permitted shall be only occupied by**

- (i) persons aged 65 years or older; or**
- (ii) persons living as part of a single household in the development with such a person or persons aged 65 years or older; or**
- (iii) persons who were living as part of a single household in the development with such a person or persons who have since died.**

Reason: To define the scope of this permission with respect to parking provision, amenity space, general living conditions and the provision of affordable housing and infrastructure required to support the development, in accordance with Core Strategy (2007) Policies KP2, KP3, CP4, CP6 and CP8 and Policies DM1 and DM3 of the Development Management Document (2015).

- 04 The communal spaces and guest facility as shown on the approved plans shall be provided before the proposal is occupied and shall not be altered or removed in any way and be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure that amenity space and living conditions are safeguarded for future occupiers of the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Council's Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).

- 05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above the ground floor (parking) slab level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including projecting elevational box details including projection, reveals, balustrade, lighting, entrance canopy, screening, fenestration, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in full accordance with the approved details.**

Reason: To safeguard character and appearance of surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and policies DM1 and DM3 of the Development Management Document (2015).

- 06 The car parking spaces, cycle storage and refuse store shall be implemented in accordance with plan no. 6766/301.4 Revision C prior to occupation of the retail and residential uses hereby approved to provide not less than 29 car parking spaces for the residential use, 14 car parking spaces for the retail use and 5 cycle parking spaces and shall thereafter be permanently retained unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Policies CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

- 07 Notwithstanding the details shown on the plans submitted otherwise hereby approved the development hereby permitted shall not be commenced until the Local Planning Authority has approved in writing a full scheme of highways works (including detailed designs and contract details) and the relevant associated highways approvals are in place, in relation to the new service layby and new pedestrian crossing point. The works shall thereafter be undertaken in accordance with the approved details and completed prior to first occupation of the development hereby approved unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of highways management and safety in accordance with Core Strategy (2007) policies KP2, CP3, CP4; Development Management Document (2015) policy DM15.

- 08 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement shall provide, amongst other things, for:**

- i) the parking of vehicles of site operatives and visitors**
- ii) loading and unloading of plant and materials**
- iii) storage of plant and materials used in constructing the development**
- iv) the erection and maintenance of security hoarding**
- v) measures to control the emission of dust and dirt during construction**
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.**

Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 09 No development shall take place until a site investigation of the nature and extent of contamination at this site has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before construction begins. If, during the course of development, any contamination is found which has not been identified in the site investigation construction shall stop immediately and additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority before construction continues. The remediation of the site shall incorporate the approved additional measures before construction continues.**

Reason: To ensure that any contamination on the site identified and treated so that it does not harm anyone who uses the site in the future, and to ensure that the development does not cause pollution to controlled waters in accordance with policy DM14 of the Development Management Document (2015).

- 10 The retail unit hereby approved shall not be open for customers outside the following hours: - 07:00 hours to 23:00 hours Monday to Sundays and Bank Holidays.**

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document.

- 11 All servicing of the site must take place between 07:00 to 23: 00 hours Monday to Sunday, with the exception of newspaper deliveries. Servicing includes loading and unloading goods from vehicles and transferring rubbish outside the building.**

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, and Policies DM1 and DM3 of the Development Management Document.

- 12 No dust or fume extraction or filtration equipment or air conditioning, ventilation, or refrigeration equipment shall be installed at the site until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority. The equipment shall only be installed in accordance with the approved details and shall be maintained in good working order thereafter.**

Reason: To safeguard the character and amenities of the area and in particular to protect the amenities of nearby residential occupiers of the development in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 13 No construction works above the slab level shall take place until full details of both hard and soft landscape works to take place at the site have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures. Details for the soft landscape works shall include the number, size and location of any shrubs, trees and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details. The development shall be implemented in full accordance with the approved details before it is occupied or brought into use.**

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy DPD1 with CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 14 The development shall not be occupied until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out only in accordance with the approved details in perpetuity.**

Reason: to ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015) and Design and Townscape Guide (2009).

- 15 No development shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SUDs) Principles) have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is occupied or brought into use and be maintained as such thereafter. Those details shall include:**

i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;

ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;

iii) a timetable for its implementation; and

vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015).

- 17 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing prior to occupation of the development hereby approved by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007) and Development Management Document (2015) Policy DM2.

- 18 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 19 Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any revocation, amendment or adaptation of this legislation of for the time being maybe in force, the retail floorspace hereby approved shall be used only for purposes falling within Use Class A1 and for no other purpose.

Reason: To safeguard the amenities of adjoining residents, in accordance with policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide.

- 20 Before the development is occupied or brought into use, the development hereby approved shall be carried out in a manner to ensure the flats comply with Building Regulation part M4(2) ‘accessible and adaptable dwellings’.**

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and Design and Townscape Guide (2009).

- 21 The development shall not be occupied until details of the privacy screens to be installed at the site have been submitted to and approved in writing by the local planning authority. The development shall be occupied in full accordance with the approved details before it is occupied and be maintained as such in perpetuity thereafter.**

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

- 22 Prior to their occupation the proposed first floor windows in the north elevation serving the kitchen to flat 1 hereby approved shall be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows shall be retained as such in perpetuity thereafter.**

Reason: To safeguard the privacy and amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) policies KP2 and CP4, and Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

Informatives

- 1 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council.**

Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.

- 2 The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and also to the relevant sections of the Control of Pollution Act 1974. The provisions apply to the construction phase and not solely to the operation of the completed development. Contact 01702 215005 for more information.**

- 3 In relation to condition 07 above, the works to existing highway will require a Section 278 agreement or Highways Licence.**